Assembly Bill No. 592

CHAPTER 814

An act to amend Section 51010.5 of, to add Sections 51017.1 and 51017.2 to, and to repeal and add Section 51017 of, the Government Code, to amend Sections 25298.5 and 116375 of, to add Section 100886 to, and to add Article 12 (commencing with Section 25299.97) and Article 13 (commencing with Section 25299.99) to Chapter 6.75 of Division 20 of, and to add Article 7.5 (commencing with Section 116610) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, and to add Sections 13272.1 and 13274 to, the Water Code, relating to environmental protection, and making an appropriation therefor.

[Approved by Governor October 8, 1997. Filed with Secretary of State October 9, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 592, Kuehl. Drinking water: wells: oxygenates: storage tanks and pipelines: MTBE.

(1) Under existing law, the Elder California Pipeline Safety Act of 1981, the State Fire Marshal administers provisions regulating the inspection of intrastate pipelines that transport hazardous liquids. The act establishes the Pipeline Safety Advisory Committee.

This bill would require the State Fire Marshal to develop a comprehensive data base of pipeline information, as specified, that can be utilized for emergency response and program operational purposes. The bill would appropriate $469,000 from the California Hazardous Liquid Pipeline Safety Fund to the State Fire Marshal for that purpose.

The bill would require the State Fire Marshal, utilizing GIS-based location information furnished by the State Department of Health Services and the State Water Resources Control Board, at least once every 2 years, to determine the identity of each pipeline or pipeline segment that transports petroleum product when that pipeline is located within 1,000 feet of a public drinking water well. The State Fire Marshal would be required to give a specified notification to operators of identified pipelines and those operators, unless exempted as prescribed, would be required to prepare a pipeline wellhead protection plan for the State Fire Marshal's approval, as specified. The bill would specify related matters.

The bill would require the State Fire Marshal, with advice from the Pipeline Safety Advisory Committee, the board, and local water purveyors, to adopt regulations for wellhead protection plans that provide guidelines to be used by the pipeline operator to protect the

public drinking water well from contamination should a pipeline rupture or leak pose a significant threat to a public drinking water well, taking into account the nature of the fuel and its ability to migrate to a public drinking water well.

(2) Under existing law, the board has responsibility for the protection of water quality and responsibilities pertaining to underground storage tanks containing petroleum. Existing law requires the board to develop, implement, and maintain a system that is accessible to government agencies and the public for storing and retrieving data from cases involving discharges of petroleum from underground storage tanks.

This bill would require the board to upgrade the data base established under those provisions. The bill would require the board to establish for this and other designated purposes, a GIS Mapping and Data Management Advisory Committee. The bill would require the board, with the advice of the committee, to establish 2 pilot projects, the Santa Monica Groundwater Pilot Project and the Santa Clara Valley Groundwater Pilot Project, to study appropriate modification to public water systems and response times which would terminate July 1, 1999, and to report to the Legislature and the Governor on or before July 1, 1999, on the feasibility and appropriateness of establishing a statewide GIS mapping system. The bill would define a GIS mapping system as a geographic information system that collects, stores, retrieves, analyzes, and displays environmental geographic data in a data base that is accessible to the public. The bill would require the upgrade of the data base to include the establishment of a statewide GIS mapping system, only upon appropriation by the Legislature.

(3) Existing law, the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, requires every owner of a petroleum underground storage tank who is required to obtain a permit to own or operate a tank to pay a specified storage fee, for deposit in the Underground Storage Tank Cleanup Fund.

This bill would authorize the board to expend up to $400,000 from the fund for corrective action purposes, to fund GIS mapping system projects.

The bill would also authorize the board to annually expend up to $5,000,000 from the fund to pay public water systems for the cost of treatment of the water supply or of providing alternate drinking water supplies if a public water system requests funds for that purpose and demonstrates that a public drinking water well has been contaminated by an oxygenate and there is substantial evidence that the release occurred from an underground storage tank. The bill would prohibit the board from expending more than $1,000,000 of that amount per affected drinking water supply source. The bill would require the board to report annually to the Governor and the Legislature on any money provided to a public water system

pursuant to those provisions. The bill would require the board to be reimbursed by the public water system to the extent that the public water system receives payment from any source to cover its costs, and, with certain exceptions, would require the public water system to pursue cost recovery from responsible parties.

(4) Existing law requires the state department to administer provisions pertaining to the regulation of drinking water and public water systems, as defined, so as to protect public health, including, but not limited to, the conduct of research, studies, and demonstration programs pertaining to the provision of a dependable, safe supply of drinking water, and the adoption of primary drinking water standards for contaminants in drinking water.

This bill would enact the Local Drinking Water Protection Act to require the state department, as of January 1, 1998, to commence the process of adopting a primary drinking water standard for MTBE pursuant to prescribed provisions of existing law and to adopt a secondary drinking water standard, on or before July 1, 1998, that does not exceed a consumer acceptance level for MTBE. The bill would require that the state department establish the primary drinking water standard for MTBE on or before July 1, 1999, and would authorize the state department to set primary drinking water standards for other oxygenates.

The bill would require, on or before January 1, 1999, that the California Drinking Water and Toxic Enforcement Act Scientific Advisory Panel make a recommendation to the Office of Environmental Health Hazard Assessment as to whether MTBE should be listed as a carcinogenic or reproductive toxin.

(5) Existing law prescribes notification requirements, with certain exceptions, for any person who causes or permits any oil or petroleum product to be discharged in or on any waters of the state.

This bill would require each California regional water quality control board to publish and distribute, on a quarterly basis, to all public water system operators within the region of the regional board a list of discharges of MTBE that occurred during the quarter and a list of locations where MTBE was detected in the groundwater within the region of the regional board.

(6) Under existing law, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state, is required to give notice as prescribed.

This bill would also require the appropriate regional board to notify any public water system operator that may potentially be affected by a discharge within 48 hours.

(7) The bill would vest in any public water system regulated by the state department the same legal rights and remedies against a responsible party, as defined, when the water supply used by the

public water system is contaminated, as those of a private landowner whose groundwater has been contaminated.

(8) The bill would prescribe related matters.

(9) The bill would provide that it would become operative only if SB 1189 of the 1997–98 Regular Session is enacted and becomes effective on or before January 1, 1998.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 51010.5 of the Government Code is amended to read:

51010.5. As used in this chapter, the following definitions apply:

(a) ''Pipeline'' includes every intrastate pipeline used for the transportation of hazardous liquid substances or highly volatile liquid substances, including a common carrier pipeline, and all piping containing those substances located within a refined products bulk loading facility which is owned by a common carrier and is served by a pipeline of that common carrier, and the common carrier owns and serves by pipeline at least five such facilities in the state. ''Pipeline'' does not include the following:

(1) An interstate pipeline subject to Part 195 of Title 49 of the Code of Federal Regulations.

(2) A pipeline for the transportation of a hazardous liquid substance in a gaseous state.

(3) A pipeline for the transportation of crude oil that operates by gravity or at a stress level of 20 percent or less of the specified minimum yield strength of the pipe.

(4) Transportation of petroleum in onshore gathering lines located in rural areas.

(5) A pipeline for the transportation of a hazardous liquid substance offshore located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.

(6) Transportation of a hazardous liquid by a flow line.

(7) A pipeline for the transportation of a hazardous liquid substance through an onshore production, refining, or manufacturing facility, including a storage or inplant piping system associated with that facility.

(8) Transportation of a hazardous liquid substance by vessel, aircraft, tank truck, tank car, or other vehicle or terminal facilities used exclusively to transfer hazardous liquids between those modes of transportation.

(b) ‘‘Flow line’’ means a pipeline which transports hazardous liquid substances from the well head to a treating facility or production storage facility.

(c) ‘‘Hydrostatic testing’’ means the application of internal pressure above the normal or maximum operating pressure to a segment of pipeline, under no-flow conditions for a fixed period of time, utilizing a liquid test medium.

(d) ‘‘Local agency’’ means a city, county, or fire protection district.

(e) ‘‘Rural area’’ means a location which lies outside the limits of any incorporated or unincorporated city or city and county, or other residential or commercial area, such as a subdivision, a business, a shopping center, or a community development.

(f) ‘‘Gathering line’’ means a pipeline eight inches or less in nominal diameter that transports petroleum from a production facility.

(g) ‘‘Production facility’’ means piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation, or treatment of petroleum or associated storage or measurement. (To be a production facility under this definition, piping or equipment must be used in the process of extracting petroleum from the ground and transporting it by pipeline.)

(h) ‘‘Public drinking water well’’ means a wellhead that provides drinking water to a public water system as defined in Section 116275 of the Health and Safety Code, that is regulated by the State Department of Health Services and that is subject to Section 116455 of the Health and Safety Code.

(i) ‘‘GIS mapping system’’ means a geographical information system that will collect, store, retrieve, analyze, and display environmental geographical data in a data base that is accessible to the public.

(j) ‘‘Motor vehicle fuel’’ includes gasoline, natural gasoline, blends of gasoline and alcohol, or gasoline and oxygenates, and any inflammable liquid, by whatever name the liquid may be known or sold, which is used or is usable for propelling motor vehicles operated by the explosion type engine. It does not include kerosene, liquefied petroleum gas, or natural gas in liquid or gaseous form.

(k) ‘‘Oxygenate’’ means an organic compound containing oxygen that has been approved by the United States Environmental Protection Agency as a gasoline additive to meet the requirements for an ‘‘oxygenated fuel’’ pursuant to Section 7545 of Title 42 of the United States Code.

SEC. 2. Section 51017 of the Government Code is repealed.

SEC. 3. Section 51017 is added to the Government Code, to read:

51017. (a) The State Fire Marshal shall develop a comprehensive data base of pipeline information that can be utilized for emergency response and program operational purposes. The data base shall

include information on pipeline location, age, reported leak incidences, and inspection history, and shall have the capability of mapping pipeline locations throughout the state. The data collection format shall be compatible with any pipeline mapping project implemented by the United States Department of Transportation's Office of Pipeline Safety and shall be compatible with GIS mapping and data management required by Article 12 (commencing with Section 25299.97) of Chapter 6.75 of Division 20 of the Health and Safety Code.

(b) The sum of four hundred sixty-nine thousand dollars ($469,000) is hereby appropriated from the California Hazardous Liquid Pipeline Safety Fund to the State Fire Marshal for the purposes of subdivision (a).

SEC. 4. Section 51017.1 is added to the Government Code, to read:

51017.1. (a) Utilizing GIS-based location information furnished by the State Department of Health Services and the State Water Resources Control Board, at least once every two years the State Fire Marshal shall determine the identity of each pipeline or pipeline segment that is regulated by the State Fire Marshal pursuant to this chapter that transports petroleum product when that pipeline is located within 1,000 feet of a public drinking water well.

(b) With assistance from the State Department of Health Services and the State Water Resources Control Board, the State Fire Marshal shall notify the operator of the pipelines identified in subdivision (a) of the following information:

(1) That the specific pipeline or pipeline segment has been identified as being located within 1,000 feet of a public drinking water well.

(2) The name of the water purveyor and the location of the public drinking water well affected. With advice from the GIS mapping advisory committee, created pursuant to subdivision (b) of Section 25299.97 of the Health and Safety Code, the identification of the pipelines and notification of pipeline owners by the State Fire Marshal pursuant to subdivision (a) and this subdivision shall begin once the GIS mapping system created by Section 25299.97 of the Health and Safety Code is able to provide accurate and useful information on pipeline and wellhead locations.

(c) Each pipeline operator notified pursuant to subdivision (b) shall prepare a pipeline wellhead protection plan as required by Section 51017.2 and submit the plan to the State Fire Marshal within 180 days from the date of either receiving the notification specified in subdivision (b), or adoption of regulations by the State Fire Marshal pursuant to Section 51017.2, whichever is later.

(d) With the advice of the State Department of Health Services, the State Water Resources Control Board, appropriate California regional water quality controls boards, and local water purveyors, the

State Fire Marshal shall review each wellhead protection plan submitted by a pipeline operator, and approve those plans that meet the criteria of the regulations adopted by the State Fire Marshal pursuant to Section 51017.2. The State Fire Marshal shall have discretion to allow a wellhead protection plan to address multiple wellheads where the conditions creating the risk to the wellheads are substantially similar. The pipeline operator shall implement the wellhead protection plan within 180 days from the date of receiving approval from the State Fire Marshal.

(e) Each pipeline operator having a wellhead protection plan approved by the State Fire Marshal pursuant to subdivision (d) shall evaluate that plan at least once every five years to ensure that the plan is in compliance with the current regulations established by the State Fire Marshal pursuant to Section 51017.2. The pipeline operator shall provide either written documentation to the State Fire Marshal that the previously approved wellhead protection plan has been evaluated and that no changes are warranted, or submit a new wellhead protection plan to remain in compliance with existing regulations or to meet the requirements of regulations adopted since the plan was approved.

(f) The pipeline operator subject to subdivision (c) may petition the State Fire Marshal in writing for an exemption from the requirements of subdivision (c). With advice from the State Water Resources Control Board, the State Department of Health Services, the California regional water quality control boards, and local water purveyors, the State Fire Marshal may approve the exemption if the petition demonstrates that the pipeline either does not transport motor vehicle fuel, or does not pose a significant threat to the public drinking water well based upon, but not limited to, the following criteria:

(1) Pipeline parameters, such as operation pressure, operating temperature, age, design, fabrication materials, construction, corrosive nature of the surrounding soil, cathodic protection, and feasibility of internal inspection or evaluation tools (smart pigs).

(2) Hydrogeologic parameters, such as soil permeability, direction and velocity of groundwater flow, aquifer location or depth, and hydrogeologic barriers or conduits.

(3) Water well parameters, such as depth of well and well construction.

(4) The nature of the fuel and its ability to migrate to public drinking water wells.

(5) The impact of human activity that may elevate or reduce the risk to the drinking water well.

SEC. 5. Section 51017.2 is added to the Government Code, to read:

51017.2. (a) With advice from the Pipeline Safety Advisory Committee, the State Water Resources Control Board, the California

regional water quality control boards, and local water purveyors, the State Fire Marshal shall adopt regulations for wellhead protection plans that provide guidelines to be used by the pipeline operator as specified in Section 51017.1 to protect the public drinking water well from contamination should a pipeline rupture or leak pose a significant threat to a public drinking water well, taking into account the nature of the fuel and its ability to migrate to a public drinking water well. The regulations adopted by the State Fire Marshal shall require each plan to contain adequate and effective measures that are technologically feasible, practical, and operationally sound that protect public drinking water wells. At a minimum, the wellhead protection plan shall contain the following:

(1) Operational activities that provide the pipeline operator with sufficient information to adequately ensure the integrity of the pipeline. These may include internal inspection or evaluation tools (smart pigs), substructure excavation (potholing), well monitoring, additional or more frequent pressure tests, cathodic protection surveys or visual inspections, or other technologies as appropriate.

(2) Response measures that will enhance the pipeline operator's response to an emergency, such as a pipeline rupture, fire, earthquake, or flood. These measures may include activities, such as additional training for operator staff or improved coordination with emergency response agencies.

(b) At least once every five years, the State Fire Marshal, with the advice of the Pipeline Safety Advisory Committee, the State Water Resources Control Board, the California regional water quality control boards, and local water purveyors, shall review the regulations adopted pursuant to subdivision (a) to determine if new measures that have been proven to be technologically feasible, practical, and operationally sound should be included in the regulations. The State Fire Marshal shall adopt new regulations if such new measures are identified.

SEC. 6. Section 25298.5 of the Health and Safety Code is amended to read:

25298.5. The analysis of any material that is required to demonstrate compliance with this chapter or Chapter 6.75 (commencing with Section 25299.10) shall be performed by a laboratory accredited by the department pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101.

SEC. 7. Article 12 (commencing with Section 25299.97) is added to Chapter 6.75 of Division 20 of the Health and Safety Code, to read:

Article 12. Drinking Water Well Protection

25299.97. (a) For the purposes of this article, the following definitions shall apply:

(1) ‘‘Public drinking water well’’ means a wellhead that provides drinking water to a public water system, as that term is defined in Section 116275, that is regulated by the State Department of Health Services and that is subject to Section 116455.

(2) ‘‘MTBE’’ means methyl tertiary-butyl ether.

(3) ‘‘GIS mapping system’’ means a geographic information system that collects, stores, retrieves, analyzes, and displays environmental geographic data in a data base that is accessible to the public.

(4) ‘‘Motor vehicle fuel’’ includes gasoline, natural gasoline, blends of gasoline and alcohol or gasoline and oxygenates and any inflammable liquid, by whatever name the liquid may be known or sold, which is used or usable for propelling motor vehicles operated by the explosion type engine. It does not include kerosine, liquefied petroleum gas, or natural gas, in liquid or gaseous form.

(5) ‘‘Oxygenated motor vehicle fuel’’ is motor vehicle fuel, as defined in paragraph (4), that meets the federal definition for ‘‘Oxygenated Fuel’’ as defined in Section 7545(m) of Title 42 of the United States Code.

(6) ‘‘Oxygenate’’ means an organic compound containing oxygen that has been approved by the United States Environmental Protection Agency as a gasoline additive to meet the requirements for an ‘‘oxygenated fuel’’ pursuant to Section 7545 of Title 42 of the United States Code.

(b) The State Water Resources Control Board shall upgrade the data base created by Section 25299.39.1. This upgrade shall include the establishment of a statewide GIS mapping system as described in this section only upon an appropriation by the Legislature for this purpose.

(c) (1) For purposes of subdivision (b), the board shall create a GIS Mapping and Data Management Advisory Committee. The committee shall give the board advice on location standards, protocols, metadata, and the appropriate data to expand the data base to create a cost-effective GIS mapping system that will provide the appropriate information to allow agencies to better protect public drinking water wells and, if feasible, nearby aquifers that are reasonably expected to be used as drinking water, from contamination by motor vehicle fuel from underground storage tanks and intra- and interstate pipelines that are regulated by the State Fire Marshal pursuant to the California Pipeline Safety Act of 1981, Chapter 5.5 (commencing with Section 51010.5) of Part 1 of Division 1 of Title 5 of the Government Code.

(2) The advisory committee shall include, at a minimum, members from appropriate state and local agencies, affected industry and business, the water agencies that provide drinking water in Santa Monica, the water agencies that provide drinking water in the Santa Clara Valley, nonprofit environmental groups dedicated to the

conservation and preservation of natural resources, and underground storage tank owners.

(d) (1) The board shall create two pilot projects, the Santa Monica Groundwater Pilot Project and the Santa Clara Valley Groundwater Pilot Project, which shall terminate on July 1, 1999.

(2) The board shall create the pilot projects with the advice of the advisory committee so as to expedite and prioritize the upgrading of the data base for those regions of the state where groundwater provides, or would be called on in an emergency to provide, a significant portion of the region's drinking water.

(3) The board shall use the pilot projects to define and assess the parameters of the data base, identify data needs, develop opportunities to electronically link data bases and electronic submission of information, offer access to the public via the Internet, streamline existing processes, and work out the details for data management and a GIS mapping system as described in this article.

(4) The pilot projects shall study appropriate modification to public water systems and response times.

(e) To upgrade the data base as required by this section, the board, in consultation with the advisory committee, shall do all of the following:

(1) Coordinate with the Department of Water Resources and the State Department of Health Services to obtain the location of existing drinking water wells and appropriate water resource and quality data to meet the requirements of this article.

(2) Coordinate with local agencies authorized to implement this chapter to obtain the location of all underground storage tanks that store motor vehicle fuel that are within 1,000 feet of a public drinking water well.

(3) Coordinate with local agencies authorized to implement this chapter to add the location of all known releases of motor vehicle fuel from underground storage tanks that are within 1,000 feet of a drinking water well.

(4) Coordinate with the State Fire Marshal to add the location and leak history of all pipelines or segments of pipelines that transport motor vehicle fuel and that are regulated by the State Fire Marshal pursuant to Chapter 5.5 (commencing with Section 51010) of Part 1 of Division 1 of Title 5 of the Government Code that are within 1,000 feet of an existing public drinking water well.

(f) The board may expend up to four hundred thousand dollars ($400,000) from the Underground Storage Tank Cleanup Fund for the purposes set forth in Section 25299.36 to fund the GIS mapping system projects referred to in this section.

(g) On or before July 1, 1999, based upon, among other things, an evaluation of the pilot projects, the board shall report to the Legislature and the Governor on the feasibility and appropriateness

of establishing a statewide GIS mapping system as described in this section.

SEC. 8. Article 13 (commencing with Section 25299.99) is added to Chapter 6.75 of Division 20 of the Health and Safety Code, to read:

Article 13. Drinking Water Emergency Response Funding

25299.99. (a) The board may annually expend up to five million dollars ($5,000,000) from the fund for the purposes set forth in Section 25299.36 and may expend no more than one million dollars ($1,000,000) of that amount per affected drinking water supply source to pay a public water system for the cost of treatment of the water supply or of providing alternate drinking water supplies, where a public water system requests funds and the public water system demonstrates that a public drinking water well has been contaminated by an oxygenate and there is substantial evidence that the release occurred from an underground storage tank.

(b) The board shall report annually to the Governor and to the Legislature on any money provided to a public water system pursuant to this section.

(c) The board shall be reimbursed by a public water system that has received funds pursuant to this section, to the extent that the public water system receives payment from any source to cover the costs for which it received funding under this section. The public water system shall aggressively pursue cost recovery from responsible persons and shall, upon recovery, or within five years from the initial payment received, whichever occurs first, reimburse the board for funds received pursuant to this section unless the public water system can demonstrate to the board that, despite all reasonable efforts, recovery from a responsible party is not possible, or that a responsible party cannot be identified.

SEC. 9. Section 100886 is added to the Health and Safety Code, to read:

100886. Any person who operates a laboratory for the purposes specified in Section 25198, 25298.5, 25358.4, or 116390 of this code, or Section 13176 of the Water Code, shall report the full and complete results of all detected contamination and pollutants to the person or entity that submitted the material for testing.

SEC. 10. Section 116375 of the Health and Safety Code is amended to read:

116375. The department shall adopt regulations it determines to be necessary to carry out the purposes of this chapter. The regulations shall include, but not be limited to, the following:

(a) The monitoring of contaminants, including the type of contaminant, frequency and method of sampling and testing, and the reporting of results.

(b) The monitoring of unregulated contaminants for which drinking water standards have not been established by the department. The requirements shall be not less stringent than those adopted pursuant to paragraph (2) of subsection (a) of Section 1445 of the federal Safe Drinking Water Act, as amended (42 U.S.C. Sec. 300j-4 (a)(2)). Until the time that the department adopts regulations regarding the monitoring of unregulated contaminants, the department may, by order, require any public water system that has been shown to contain detectable levels of any unregulated contaminants to conduct periodic water analyses in accordance with conditions specified by the department. The water analyses shall be reported on a quarterly basis unless the department finds that more or less frequent analysis is necessary.

(c) Requirements for the design, operation, and maintenance of public water systems, including, but not limited to, waterworks standards and the control of cross-connections, that the department determines are necessary to obtain, treat, and distribute a reliable and adequate supply of pure, wholesome, potable, and healthy water.

(d) Requirements for treatment, including disinfection of water supplies.

(e) Requirements for the filtration of surface water supplies at least as stringent as regulations promulgated pursuant to subparagraph (C) of paragraph (7) of subsection (b) of Section 1412 of the federal Safe Drinking Water Act, as amended (42 U.S.C. Sec. 300g-1 (b)(7)(C)).

(f) Requirements for notifying the public of the quality of the water delivered to consumers.

(g) Minimum acceptable financial assurances that a public water system shall be required to submit as a demonstration of its capability to provide for the ongoing operation, maintenance, and upgrading of the system, including compliance with monitoring and treatment requirements and contingencies. For privately owned systems not regulated by the Public Utilities Commission, the financial assurance may be in the form of a trust fund, surety bond, letter of credit, insurance, or other equivalent financial arrangement acceptable to the department.

(h) Program requirements for the conduct of the public water system program by a local health officer under a primacy delegation from the department as set forth in this chapter. The requirements shall include, but not be limited to, the issuance of permits, surveillance and inspections, reporting of monitoring and compliance data, and the taking of enforcement actions.

(i) Methods for determination of the number of persons served by a public water system for drinking water regulatory purposes.

(j) The adoption by the State Department of Health Services, in consultation with the State Water Resources Control Board and representatives from operators of public water systems, of

emergency regulations for the uniform, scientific sampling, and analytical testing protocols for oxygenates as defined in subdivision (k) of Section 51010.5 of the Government Code.

SEC. 11. Article 7.5 (commencing with Section 116610) is added to Chapter 4 of Part 12 of Division 104 of the Health and Safety Code, to read:

Article 7.5. MTBE Detection

116610. (a) This article shall be known, and may be cited, as the Local Drinking Water Protection Act.

(b) For purposes of this article, ''MTBE'' means methyl tertiary-butyl ether.

(c) Commencing January 1, 1998, the State Department of Health Services shall commence the process for adopting a primary drinking water standard for MTBE that complies with the criteria established under Section 116275. The State Department of Health Services shall establish a primary drinking water standard for MTBE on or before July 1, 1999. The State Department of Health Services may, at its discretion, set primary drinking water standards for other oxygenates.

(d) On or before July 1, 1998, the State Department of Health Services shall adopt a secondary drinking water standard that complies with the criteria established under subdivision (d) of Section 116275 and that does not exceed a consumer acceptance level for MTBE.

116612. On or before January 1, 1999, the California Drinking Water and Toxic Enforcement Act Scientific Advisory Panel shall make a recommendation to the Office of Environmental Health Hazard Assessment on whether MTBE should be listed as a carcinogenic or reproductive toxin, as set forth in Section 12000 and following of Title 22 of the California Code of Regulations.

SEC. 12. Section 13272.1 is added to the Water Code, to read:

13272.1. Each regional board shall publish and distribute on a quarterly basis to all public water system operators within the region of the regional board, a list of discharges of MTBE that occurred during the quarter and a list of locations where MTBE was detected in the groundwater within the region of the regional board.

SEC. 13. Section 13274 is added to the Water Code, to read:

13274. (a) Notwithstanding any other provision of law, any public water system regulated by the State Department of Health Services shall have the same legal rights and remedies against a responsible party, when the water supply used by that public water system is contaminated, as those of a private land owner whose groundwater has been contaminated.

(b) For purposes of this section, ''responsible party'' has the same meaning as defined in Section 25323.5 of the Health and Safety Code.

SEC. 14. This act shall become operative only if Senate Bill 1189 of the 1997–98 Regular Session is also enacted and becomes effective on or before January 1, 1998.

O